

13 October 1983

MEMORANDUM FOR: Chief of Operations, PSI

FROM:

[REDACTED]

Chief, Clearance Division

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SUBJECT: Proposed E.O. in Protection of National  
Security Information

1. I believe you may categorize the reaction of the Clearance Division to the proposed Executive Order on the Protection of National Security Information is that it is appallingly poor.

2. We begin as early as line two of Section 2 and must ask what "prudent management risk" is, wonder if, in Section 3, whether past vulnerabilities are of any concern, and question if, in Section 5, the drafters know that Department of Energy does not conduct BI when access to atomic energy information is involved (OPM does most, and FBI probably still does a few).

3. Further, on the last issue, to suggest that the CIA should do BIs when access to CIA information is involved is very imprecise and could give us license/command to do almost all Intelligence Community investigations. Some even wonder if it should be specified which Agencies (CIA, DIS, FBI, OPM) should do which investigations. I don't know if this is a CIA knee-jerk reaction that we don't want it admitted that we do BIs (since I believe it is in the public arena) or if the specificity was inserted because of selfish DoD interests. However, should we want such precision here, notably State, Treasury and NSA have been left out.

4. I am glad to see that it specifies that "passed" investigative information can only be used for a de novo security investigation. That should still some of the guns which have been aimed at CIA in the past.

5. While the suggested E.O. does limit passage of suitability information under the NASC program, I was astonished to find no provision for appeals, even when rescinding clearances and that last sentence of Section 3 suggests that, once turned down, one may never be considered for access again.

6. The E.O. should provide for "other investigative measures" or specifically refer to polygraph as an investigative tool to be used in addition to Background Investigation, where appropriate.

7. We also note in Section 4 that Members of Congress, Federal Judges, etc, can receive classified information without formal clearance where needed. What about Cabinet Officials and others confirmed by the Senate? Also, it would seem that the authority to release should come from the DCI in the area of FCI with the Director of the FBI having authority over domestic counterintelligence.

8. The question also arises whether the E.O. should specify that the level of Background Investigation should be tied to level of classification to be granted or if this should be left to the implementing regulations.



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